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OFFICE OF PETITIONS

In re Application of :
Osvaldo Colavin et al. :
Application No. 10/749,472 : DECISION ON PETITION
Filed: December 31, 2003 : PURSUANT TO
Attorney Docket No.: 03-LJ-038 : 37 C.F.R. § 1.181
Title: METHOD AND SYSTEM FOR :
SUPPORTING SOFTWARE PIPELINING :
USING A SHIFTING REGISTER QUEUE :

This is a decision on the petition filed April 14, 2008, pursuant to 37 C.F.R. § 1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed January 8, 2007, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on April 9, 2007. A notice of abandonment was mailed on March 13, 2008.

With this petition, Petitioner has asserted that a response was submitted to the Office on April 3, 2007. Petitioner has submitted a copy of this response, along with a paper that was purportedly submitted contemporaneously therewith, and it is noted that it contains a certificate of mailing that is dated April 3, 2007. Moreover, Petitioner has included a copy of the postcard receipt that is associated with this submission, and it

evinces that an "Amendment and Response to Office Action" were received in the Office on April 10, 2007.

The electronic file has been reviewed, and a copy of this submission has not been located. However, the evidence is convincing that this submission was received in the Office on April 10, 2007, and subsequently misplaced.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that a response was timely submitted.

Accordingly, the petition under 37 C.F.R. § 1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the response to the non-final Office action that was submitted concurrently with this petition (originally presented on April 3, 2007) can be processed.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the withdrawal of the holding of abandonment has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

It is noted that although Petitioner is listed as an attorney of record, the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank

Change of Correspondence Address; Patent Form (PTO/SB/122), may be found at <http://www.uspto.gov/web/forms/sb0122.pdf>.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225¹. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: Munck Butrus Carter, P.C.
Docket Clerk
P.O. Box 802432
Dallas, Texas 75380

¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).